

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTHONY S. BENNICAS	:	CIVIL ACTION
	:	
v.	:	
	:	
CHRISTOPHER T. SPADONI	:	NO. 02-3815

O R D E R

AND NOW, this            day of July, 2002, upon review of plaintiff's complaint seeking \$5 million in damages pursuant to 42 U.S.C. § 1983 from his former defense attorney whose alleged ineffectiveness and unprofessional conduct resulted in plaintiff's guilty plea to state charges and his current incarceration, as a criminal defense attorney does not act under color of state law in representing his accused client and thus is not subject to suit under § 1983, see Briscoe v. LaHue, 460 U.S. 325, 329 n.6 (1983), pursuant to 28 U.S.C. § 1915(e)(2)(B), **IT IS HEREBY ORDERED** that the above action is **DISMISSED**.

BY THE COURT:

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JAY C. WALDMAN, J.